IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 29TH JUNE 2007 / 8TH ASHADHA 1929

OP.No. 13403 of 2003(U)

PETITIONER:
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1. P.SANTHOSHKUMAR, ADVOCATE, LIG 655, PANAMPILLY NAGAR, KOCHI- 36.

2. K.P. ANTONY, KOVATTUPARAMBIL HOUSE, KADAVANTHARA. (IMPLEADED AS SUPPLEMENTARY PETITIONER AS PER ORDER DATED 21.07.2005 IN I.A. NO. 9617/2005)

BY ADV. SRI.V.J.JOHN
SRI.T.A.RAJAN
SRI.LUIZ GODWIN D'COUTH

RESPONDENTS:
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1. THE COMMISSIONER AND SECRETARY, COCHIN CORPORATION, OFFICE OF THE CORPORATION OF COCHIN, ERNAKULAM.

2. SMT. KUNJUMOL LIG 36, SASTHRI NAGAR, SMARTS ROAD, KADAVANTHARA, KOCHI-20

3. GREATER COCHIN DEVELOPMENT AUTHORITY (G.C.D.A), REPRESENTED BY THE SECRETARY, KADAVANTHARA, KOCHI-20

BY ADV. SMT.A.G.ANEETHA, SC, COCHIN CORPN.
SRI.T.KURIAKOSE PETER
SRI.ABRAHAM P.GEORGE
SRI.GEORGE JOSEPH, SC, GCDA

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 29/06/2007, ALONG WITH O.P. NO. 13404/2003,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P. NO. 22618/2003 IN O.P. NO. 13403/2003

CLOSED

29.06.2007 SD/- KURIAN JOSEPH, JUDGE.

APPENDIX

PETITIONERS' EXHIBITS:

EXT.P1: TRUE COPY OF THE REPRESENTATION OF THE PETITIONER TO THE RESPONDENTS DATED 05.09.2001.

EXT.P2: TRUE COPY OF THE SKETCH & REPRESENTATION OF THE PETITIONER THE 1ST AND 2ND RESPONDENTS DATED 20.12.2002.

EXT.P3: TRUE COPY OF THE DOCUMENT NO. 1680/2005.

RESPONDENTS' EXHIBITS:

EXT. R2-1: THE TRUE PHOTOCOPY OF THE SALE AGREEMENT ENTERED INTO BETWEEN THE 2ND AND 3RD RESPONDENT DATED 26.08.1993.

EXT.R2-2: THE TRUE PHOTOCOPY OF THE ROUGH PLAN SHOWING THE ALLOCATION OF THE VARIOUS HOUSE PLOTS INCLUDING THE HOUSE PLOT OF THE 2ND REPONDENT AND THE ROAD IN FRONT OF THE SAME.

EXT.R2-3: THE TRUE PHOTOCOPY OF THE LETTER DATED 09.04.2001 ISSUED BY THE GCDA

EXT.R2-4: THE TRUE PHOTOCOPY OF THE RECEIPT NO. 255405 FOR RS. 21628 DATED 18.04.2001.

/True Copy/

P.A to Judge.

KURIAN JOSEPH , J

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O.P. NOS. 13403 & 13404 OF 2003

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Dated this the 29th day of June, 2007.

JUDGMENT

The O.P. No. 13403 is filed with the following prayers:

i) to issue a writ of mandamus or any other appropriate writ order or direction, directing the 1st and 3rd respondents to remove the obstruction caused to the public road in Sasthri Nagar G.C.D.A Housing Scheme caused by the 2nd respondent forthwith;

ii) to issue a writ of mandamus or any other appropriate writ order or direction, commanding the respondents 1 & 3 to take legal action against 2nd respondent for violating the Corporation/Municipality Rules regarding the prohibition of obstruction to the public street/road expeditiously as possible.

The O.P. No. 13404/2004 is filed with the following prayers:

i) issue a writ of certiorari or any other writ, orders declaring that the 12ft. Corporation road is a public road which is entitled to be used by the public at large;

ii) issue a writ of mandamus or other writ or orders, ordering the 1st respondent to demolish the unauthorised construction of the wall and gate and this allow the petitioner to make use of the 12 ft. road.

2. In case the respondents 1 and 3 have not taken note of the representations, it will be open to the petitioners in both the cases to approach them with the copy of the judgment, in which case, the matter will be looked into by the concerned respondents with notice to

the petitioners in both the cases and also the 2nd respondent and appropriate orders, in accordance with law, will be passed within another four months.

The Original petitions are disposed of as above.

KURIAN JOSEPH, JUDGE.

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